



**GENERAL INFORMATION, INSTRUCTIONS, AND
DEFINITIONS FOR COMMISSION PRODUCER,
IMPORTER, AND PURCHASER QUESTIONNAIRES**

**Frozen Concentrated Orange Juice from Brazil
Investigation No. 731-TA-326 (Second Review)**

Further information.--If you have any questions concerning the enclosed questionnaire(s) or other matters related to this review, you may contact the following members of the Commission's staff (Fax 202-205-3205):

Megan Spellacy, investigator (202-205-3190; E-mail megan.spellacy@USITC.GOV) regarding general questions and trade and related information;

John Ascienzo, auditor (202-205-3175; E-mail john.ascienzo@USITC.GOV) regarding financial information; and

Cathy DeFilippo, economist (202-205-3253; E-mail catherine.defilippo@USITC.GOV) regarding pricing, market, and related information.

GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS

GENERAL INFORMATION

Background.--On May 5, 1987, the Department of Commerce issued an antidumping duty order on imports of frozen concentrated orange juice from Brazil (52 F.R. 16426). On May 21, 1999, the Commission determined that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of material injury to an industry in the United States (64 F.R. 27806), and the order was continued (64 F.R. 42660, August 5, 1999). On April 1, 2004, the Commission instituted a second review pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. § 1675(c)) (the Act) to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time (69 F.R. 17230). If the Commission makes an affirmative determination, the order will remain in place. If the Commission makes a negative determination, the Department of Commerce will revoke the order.

Additional questionnaires will be supplied promptly upon request, or photocopies of the enclosed questionnaire(s) may be used. Address all correspondence to the United States International Trade Commission, Washington, DC 20436. Hearing-impaired individuals can obtain information regarding this review via the Commission's TDD terminal (202-205-1810).

Due date of questionnaire(s).--Return the completed questionnaire(s) to the United States International Trade Commission by no later than December 13, 2004. Although the enclosed postpaid envelope may be used to return the completed questionnaire, use of an overnight mail service may be necessary to ensure that your response actually reaches the Commission by December 13, 2004. If you do not use the enclosed envelope, please make sure the completed questionnaire is sent to the attention of Megan Spellacy. **Return only one copy of the completed questionnaire(s), but please keep a copy for your records so that you can refer to it if the Commission staff contacts you with any questions during the course of the review.**

Service of questionnaire response(s).--In the event that your firm is a party to this review, you are required to serve a copy of the questionnaire(s), once completed, on parties to the proceeding that are subject to administrative protective order (see 19 CFR § 207.7). A list of such parties is maintained by the Commission's Secretary and may be obtained by calling 202-205-1803. A certificate of service must accompany the copy of the completed questionnaire(s) you submit (see 19 CFR § 207.7).

GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS--Continued

GENERAL INFORMATION--Continued

Confidentiality.--The commercial and financial data furnished in response to the enclosed questionnaire(s) that reveal the individual operations of your firm will be treated as confidential by the Commission to the extent that such data are not otherwise available to the public and will not be disclosed except as may be required by law (see 19 U.S.C. § 1677f). Such confidential information will not be published in a manner that will reveal the individual operations of your firm; however, nonnumerical characterizations of numerical business proprietary information (such as discussion of trends) will be treated as confidential business information only at the request of the submitter for good cause shown.

Verification.--The information submitted in the enclosed questionnaire(s) is subject to audit and verification by the Commission. To facilitate possible verification of data, please keep all your workpapers and supporting documents used in the preparation of the questionnaire response(s).

Release of information.--The information provided by your firm in response to the questionnaire(s), as well as any other business proprietary information submitted by your firm to the Commission in connection with the review, may become subject to, and released under, the administrative protective order provisions of the Tariff Act of 1930 (19 U.S.C. § 1677f) and section 207.7 of the Commission's Rules of Practice and Procedure (19 CFR § 207.7). This means that certain lawyers and other authorized individuals may temporarily be given access to the information for use in connection with this review or other import-injury investigations or reviews conducted by the Commission on the same or similar merchandise; those individuals would be subject to severe penalties if the information were divulged to unauthorized individuals.

INSTRUCTIONS

Answer all questions.--Do not leave any question or section blank unless a questionnaire expressly directs you to skip over certain questions or sections. If the answer to any question is "none," write "none." **If information is not readily available from your records in exactly the form requested, furnish carefully prepared estimates--designated as such by the letter "E"--and explain the basis of your estimates.** Answers to questions and any necessary comments or explanations should be supplied in the space provided or on separate sheets attached to the appropriate page of the questionnaire(s). If your firm is completing more than one questionnaire in connection with this review (i.e., a producer, importer, purchaser, and/or foreign producer questionnaire), you need not respond to duplicated questions in the questionnaires.

GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS--Continued

INSTRUCTIONS--Continued

Consolidate all U.S. establishments.--Report the requested data for your establishment(s) located in the United States. **Firms operating more than one establishment should combine the data for all establishments into a single report.**

DEFINITIONS

Frozen concentrated orange juice for manufacturing (FCOJM).-- Frozen concentrated orange juice for manufacturing (FCOJM), an industrial product, concentrated at 51 or greater degrees Brix in a frozen state. FCOJM is usually produced, imported, stored, or shipped in bulk containers (usually 55 gallon drums, tanker trucks, or tanker ships) at 65 degrees Brix. FCOJM is generally a six or seven-strength concentrate, meaning that it requires the addition of water in a six to seven-to-one ratio to produce single-strength, ready-to-drink orange juice. Frozen concentrated orange juice is covered by statistical reporting number 2009.11.00 of the Harmonized Tariff Schedule of the United States (HTS). The HTS item number is provided for convenience and for customs purposes. The written description of the scope of this proceeding is dispositive.

Nonsubject FCOJM from Brazil.--FCOJM manufactured/exported by Cutrale, Cargill, Citrosuco, Coopercitrus, and Montecitrus in Brazil.

Subject FCOJM from Brazil.--FCOJM manufactured/exported by all other firms in Brazil.

Brix degree-- Measurement for the level of concentration of fruit juices. A higher Brix degree means a higher concentration, i.e., more water has been removed from the juice and more fruit solids per unit of juice remains.

Fruit solids--Extracted orange solids regardless of their form, i.e., FCOJM, other FCOJ, single-strength orange juice (SSOJ), or other form.

Single-strength equivalent (SSE)-- The volume of single-strength juice that can be reconstituted from concentrated orange juice.

GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS--Continued

Crop year--For the purposes of this questionnaire crop year means the processing year, the 12-month period that begins on December 1 of any year and ends on November 30 of the following year.

Establishment--Each facility of a firm in the United States involved in the production, importation, and/or purchase of frozen concentrated orange juice (as defined above), including auxiliary facilities operated in conjunction with (whether or not physically separate from) such facilities.

Extractor-- A firm that extracts orange juice from U.S. oranges.

Firm--An individual proprietorship, partnership, joint venture, association, corporation (including any subsidiary corporation), business trust, cooperative, trustee in bankruptcy, or receiver under decree of any court.

Related firm--A firm that your firm solely or jointly owned, managed, or otherwise controlled; a firm that solely or jointly owned, managed, or otherwise controlled your firm; and/or a firm that was solely or jointly owned, managed, or otherwise controlled by a firm that also solely or jointly owned, managed, or otherwise controlled your firm.

Full participation plan-- Contract arrangement in which a nonmember of cooperative (grower) agrees to deliver all oranges produced from a given grove to a cooperative or corporate processor. The return to buyer and seller is determined after harvest and is based upon an agreed-upon percentage.

Partial participation plan-- Contract arrangement in which grower sells oranges at a guaranteed floor-price.

Importer--Any person or firm engaged, either directly or through a parent company or subsidiary, in importing frozen concentrated orange juice (as defined above) into the United States from a foreign manufacturer or through its selling agent.

Imports--Those products identified for Customs purposes as imports for consumption for which your firm was the importer of record (i.e., was responsible for paying any import duty) or consignee (i.e., to which the merchandise was first delivered).

Import quantities--Quantities reported should be net of returns.

Import values--Values reported should be landed, duty-paid but not including antidumping and/or countervailing duties, at the U.S. port of entry, including ocean freight and insurance costs, brokerage charges, and normal import duties (i.e., including all charges except inland freight in the United States and antidumping and/or countervailing duties).

Inventories--Finished goods inventory, not raw materials or work-in-progress.

GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS--Continued

Purchaser.--Any person or firm engaged, either directly or through a parent company or subsidiary, in purchasing frozen concentrated orange juice (as defined above) from another firm that produces, imports, or otherwise distributes frozen concentrated orange juice.

Purchases.--Purchases from all sources, NOT including direct imports from foreign producers (which should be reported in an importer questionnaire).

Purchase quantities.--Quantities reported should be net of returns.

Purchase values.--Values reported should be net values (i.e., gross purchase values less all discounts, allowances, rebates, and the value of returned goods), delivered to your U.S. receiving point.

Shipments.--Shipments of products produced in or imported by your U.S. establishment(s). Include shipments to the contracting firm of product produced by your firm under a toll agreement.

Shipment quantities.--Quantities reported should be net of returns.

Shipment values.--Values reported should be net values (i.e., gross sales values less all discounts, allowances, rebates, prepaid freight, and the value of returned goods), f.o.b. your U.S. point of shipment. The value of domestic shipments to the contracting firm under a toll agreement is the conversion fee (including profit).

Types of shipments:

U.S. shipments.--Commercial shipments, internal consumption, and transfers to related firms within the United States.

Commercial shipments.--Shipments, other than internal consumption and transfers to related firms, within the United States.

Export shipments.--Shipments to destinations outside the United States, including shipments to related firms.

Internal consumption.--Product consumed internally by your firm.

Transfers to related firms.--Shipments made to related domestic firms.

United States.--For purposes of this review, the 50 States, Puerto Rico, the U.S. Virgin Islands, and the District of Columbia.

The following definitions apply only to the PRODUCER QUESTIONNAIRE.

GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS--Continued

Average number employed.--Add the number of employees, both full-time and part-time, for the 12 pay periods ending closest to the 15th of the month and divide that total by 12. For the January-March periods, calculate similarly and divide by 3.

Average production capacity.--The level of production that your establishment(s) could reasonably have expected to attain during the specified periods. Assume normal operating conditions (i.e., using equipment and machinery in place and ready to operate; normal operating levels (hours per week/weeks per year) and time for downtime, maintenance, repair, and cleanup; and a typical or representative product mix).

Continued Dumping and Subsidy Offset Act (Byrd Amendment) funds received.--Funds disbursed by the Bureau of Customs and Border Protection under the Continued Dumping and Subsidy Offset Act of 2000 (the "Byrd Amendment"). The Byrd Amendment provides for the annual distribution of the duties collected pursuant to antidumping and countervailing duty orders. The distribution is available to "affected domestic producers for qualifying expenditures."

Fiscal year.--The 12-month period between settlement of your firm's financial accounts.

Hours worked.--Include time paid for sick leave, holidays, and vacation time. Include overtime hours actually worked; do not convert overtime pay to its equivalent in straight-time hours.

Production.--All production in your U.S. establishment(s), including production consumed internally within your firm and production for another firm under a toll agreement.

PRWs.--Production and related workers, including working supervisors and all nonsupervisory workers (including group leaders and trainees) engaged in fabricating, processing, assembling, inspecting, receiving, storage, handling, packing, warehousing, shipping, trucking, hauling, maintenance, repair, janitorial and guard services, product development, auxiliary production for plant's own use (e.g., power plant), recordkeeping, and other services closely associated with the above production operations.

Purchases other than direct imports.--Purchases from U.S. producers, U.S. importers, and other U.S. sources.

Toll agreement.--Agreement between two firms whereby the first firm furnishes the raw materials and the second firm uses the raw materials to produce a product that it then returns to the first firm with a charge for processing costs, overhead, etc.

Wages paid.--Total wages paid before deductions of any kind (e.g., withholding taxes, old-age and unemployment insurance, group insurance, union dues, bonds, etc.). Include wages paid directly by your firm for overtime, holidays, vacations, and sick leave.